



October 28, 1998

RECEIVED

OCT 28 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Kevin Martin  
Office of Commissioner Furchtgott-Roth  
Federal Communications Commission  
1919 M Street, NW, Room 802  
Washington, D.C. 20544

EX PARTE OR LATE FILED

RE: Ex Parte Presentation: Advanced Wireline Services, CC Dkt. No. 98-147, 98-11, 98-26,  
98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15, RM-9244

Dear Kevin:

We understand that the Commission is contemplating asserting Federal jurisdiction over the pending DSL tariffs at issue in the above-referenced proceeding, but that the Commission does not want to disrupt existing contracts between incumbents and new entrants. If it decides to retain the status quo with regard to the treatment of ISP traffic under existing contracts, the Commission should make clear that this decision extends to any carriers that adopt those agreements under Section 252(i), including carriers that opt to adopt after the date of the Commission's decision. This clarification is consistent with the oft-stated principal that CLECs are required to adopt existing interconnection agreements in their entirety, taking all provisions, whether desirable or undesirable.

Any ambiguity on this point likely will be misused by incumbent providers. Ameritech, for example, already claims it has the latitude under Section 252(i) to revise the reciprocal compensation provisions of existing agreements to exclude ISP traffic as a precondition to adoption of the agreement by other carriers. To avoid a protracted dispute over the question, the Commission should make clear that new entrants opting to adopt existing agreements under Section 252(i) are entitled to the same rights under those agreements as the original parties to the contract, including any preservation of the status quo with regard to the treatment of ISP traffic. Any other result is inconsistent with the plain intent of Section 252(i). Please do not hesitate to call me should you have any questions regarding this matter.

Sincerely,

Cathleen A. Massey  
Public Policy & Assistant General Counsel

cc: Secretary's Office  
Jim Schlichting, Deputy Chief, Common Carrier Bureau

1730 Rhode Island Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202.721.0999

fax: 202.721.0995



October 28, 1998

Mr. Kyle Dixon  
Office of Commissioner Michael Powell  
Federal Communications Commission  
1919 M Street, NW, Room 844  
Washington, D.C. 20544

RE: Ex Parte Presentation: Advanced Wireline Services, CC Dkt. No. 98-147, 98-11, 98-26, 98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15, RM-9244

Dear Kyle:

We understand that the Commission is contemplating asserting Federal jurisdiction over the pending DSL tariffs at issue in the above-referenced proceeding, but that the Commission does not want to disrupt existing contracts between incumbents and new entrants. If it decides to retain the status quo with regard to the treatment of ISP traffic under existing contracts, the Commission should make clear that this decision extends to any carriers that adopt those agreements under Section 252(i), including carriers that opt to adopt after the date of the Commission's decision. This clarification is consistent with the oft-stated principal that CLECs are required to adopt existing interconnection agreements in their entirety, taking all provisions, whether desirable or undesirable.

Any ambiguity on this point likely will be misused by incumbent providers. Ameritech, for example, already claims it has the latitude under Section 252(i) to revise the reciprocal compensation provisions of existing agreements to exclude ISP traffic as a precondition to adoption of the agreement by other carriers. To avoid a protracted dispute over the question, the Commission should make clear that new entrants opting to adopt existing agreements under Section 252(i) are entitled to the same rights under those agreements as the original parties to the contract, including any preservation of the status quo with regard to the treatment of ISP traffic. Any other result is inconsistent with the plain intent of Section 252(i). Please do not hesitate to call me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Cathleen A. Massey". The signature is fluid and cursive, with the first name being the most prominent.

Cathleen A. Massey  
Public Policy & Assistant General Counsel

cc: Secretary's Office  
Jim Schlichting, Deputy Chief, Common Carrier Bureau

1730 Rhode Island Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202.721.0999

fax: 202.721.0995



October 28, 1998

Mr. Paul Gallant  
Office of Commissioner Gloria Tristani  
Federal Communications Commission  
1919 M Street, NW, Room 826  
Washington, D.C. 20544

RE: Ex Parte Presentation: Advanced Wireline Services, CC Dkt. No. 98-147, 98-11, 98-26,  
98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15, RM-9244

Dear Paul:

We understand that the Commission is contemplating asserting Federal jurisdiction over the pending DSL tariffs at issue in the above-referenced proceeding, but that the Commission does not want to disrupt existing contracts between incumbents and new entrants. If it decides to retain the status quo with regard to the treatment of ISP traffic under existing contracts, the Commission should make clear that this decision extends to any carriers that adopt those agreements under Section 252(i), including carriers that opt to adopt after the date of the Commission's decision. This clarification is consistent with the oft-stated principal that CLECs are required to adopt existing interconnection agreements in their entirety, taking all provisions, whether desirable or undesirable.

Any ambiguity on this point likely will be misused by incumbent providers. Ameritech, for example, already claims it has the latitude under Section 252(i) to revise the reciprocal compensation provisions of existing agreements to exclude ISP traffic as a precondition to adoption of the agreement by other carriers. To avoid a protracted dispute over the question, the Commission should make clear that new entrants opting to adopt existing agreements under Section 252(i) are entitled to the same rights under those agreements as the original parties to the contract, including any preservation of the status quo with regard to the treatment of ISP traffic. Any other result is inconsistent with the plain intent of Section 252(i). Please do not hesitate to call me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cathleen Massey".

Cathleen A. Massey  
Public Policy & Assistant General Counsel

cc: Secretary's Office  
Jim Schlichting, Deputy Chief, Common Carrier Bureau

1730 Rhode Island Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202.721.0999

fax: 202.721.0995



October 28, 1998

Mr. Jim Casserly  
Office of Commissioner Susan Ness  
Federal Communications Commission  
1919 M Street, NW, Room 832  
Washington, D.C. 20544

RE: Ex Parte Presentation: Advanced Wireline Services, CC Dkt. No. 98-147, 98-11, 98-26,  
98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15, RM-9244

Dear Jim:

We understand that the Commission is contemplating asserting Federal jurisdiction over the pending DSL tariffs at issue in the above-referenced proceeding, but that the Commission does not want to disrupt existing contracts between incumbents and new entrants. If it decides to retain the status quo with regard to the treatment of ISP traffic under existing contracts, the Commission should make clear that this decision extends to any carriers that adopt those agreements under Section 252(i), including carriers that opt to adopt after the date of the Commission's decision. This clarification is consistent with the oft-stated principal that CLECs are required to adopt existing interconnection agreements in their entirety, taking all provisions, whether desirable or undesirable.

Any ambiguity on this point likely will be misused by incumbent providers. Ameritech, for example, already claims it has the latitude under Section 252(i) to revise the reciprocal compensation provisions of existing agreements to exclude ISP traffic as a precondition to adoption of the agreement by other carriers. To avoid a protracted dispute over the question, the Commission should make clear that new entrants opting to adopt existing agreements under Section 252(i) are entitled to the same rights under those agreements as the original parties to the contract, including any preservation of the status quo with regard to the treatment of ISP traffic. Any other result is inconsistent with the plain intent of Section 252(i). Please do not hesitate to call me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cathy Massey".

Cathleen A. Massey  
Public Policy & Assistant General Counsel

cc: Secretary's Office  
Jim Schlichting, Deputy Chief, Common Carrier Bureau

1730 Rhode Island Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202.721.0999

fax: 202.721.0995



October 28, 1998

Mr. Tom Power  
Office of Chairman Bill Kennard  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, D.C. 20544

RE: Ex Parte Presentation: Advanced Wireline Services, CC Dkt. No. 98-147, 98-11, 98-26, 98-32, 98-15, 98-78, 98-91 and CCB/CPD No. 98-15, RM-9244

Dear Tom:

We understand that the Commission is contemplating asserting Federal jurisdiction over the pending DSL tariffs at issue in the above-referenced proceeding, but that the Commission does not want to disrupt existing contracts between incumbents and new entrants. If it decides to retain the status quo with regard to the treatment of ISP traffic under existing contracts, the Commission should make clear that this decision extends to any carriers that adopt those agreements under Section 252(i), including carriers that opt to adopt after the date of the Commission's decision. This clarification is consistent with the oft-stated principal that CLECs are required to adopt existing interconnection agreements in their entirety, taking all provisions, whether desirable or undesirable.

Any ambiguity on this point likely will be misused by incumbent providers. Ameritech, for example, already claims it has the latitude under Section 252(i) to revise the reciprocal compensation provisions of existing agreements to exclude ISP traffic as a precondition to adoption of the agreement by other carriers. To avoid a protracted dispute over the question, the Commission should make clear that new entrants opting to adopt existing agreements under Section 252(i) are entitled to the same rights under those agreements as the original parties to the contract, including any preservation of the status quo with regard to the treatment of ISP traffic. Any other result is inconsistent with the plain intent of Section 252(i). Please do not hesitate to call me should you have any questions regarding this matter.

Sincerely,

  
Cathleen A. Massey  
Public Policy & Assistant General Counsel

cc: Secretary's Office  
Jim Schlichting, Deputy Chief, Common Carrier Bureau

1730 Rhode Island Avenue, N.W.

Suite 1000

Washington, D.C. 20036

202.721.0999

fax: 202.721.0995